Sectt. 11-27—104,000—4-11-45

Dw (195 /) Department

Pl SERIES.

G.O. NO. 623

72

Dated 17.9.57

FOR MYSORE STATE

[Despatch Abstract.]

Textiles — mill cloth - Bella
Df. — K Lakshmaiah Setty
Retail dealer - Cancellatn
of licence - Appeal Cov
passed

KM

From:- K. Lakshmana Setty & Sons.,
Holder of L.No.430, Retail Cath Merchant,
Hospet.

83396

To

The Honourable Industries Minister,
Madras.

Pl.call for the remarks of the Collector and D.C.C.

H.M.Ind.

Sir,

I. K. Lakshmana Setty have the Honour to bring the following few facts to your kind notice for redress of my grievance. Injusticehas resulted from a sheer misteke offects. I am a cloth merchant licenced under the Madras cloth Dealers Order 1948 and my Licence Number was 430 for retail sale of cloth in Hospet town of Bellary District.

Charges.

2. On 9-5-51 the T.C.O. Bellary, Inspected my shop and framed the following cherges against me Viz.

1. That the daily stock account was not written up from 2-5-51 to 8-5-51 through there were sales brtween the two days.

2. That the binny cloth purchased by the Licencee on 3-5-51 in I Invoice Nos. 18 7 20 was not brought to account at all and sales were made.

3. That binny cloth measuring 44 II yrds white drill was kept in a place not accessible to the public and it was not exhibitted for sale.

4. That bills did not give the addresses of consumers,

5. That all the bills were initialled by salesman and not signed by him.

6. That the Licence was kept in a box and not displayed.

3. The alleged offences were treated as violations of the conditions of the Licence viz., condition 6,4,8,3 of the conditions of Licence and punishable under the E.S.(T.P.) Act 1946 as amended.

Explanations.

4. The memorandum of charges were received by me on 23-5-51 and I was given a week's time for giving my explanations . I have my explanations on the next day itself i.e. on 24-5-51 in the Collector's Office in person to the Huzur Head Clerk who was the acting A.C.C. as the Textile Control Officer was absent. But to my disappointment and surprise an order in R.C.No.590/51 T.I. Dated 11-6-51 (copy enclosed) has been served on me cancelling my Licence.

P.T.O.

3

5. In this connection I have to point out to your goodself that the punishment inflicted on is "apparently because I had no explanation to give and the charges have been held proved" while as a matter of fact I gave the following explanations as mentioned in Para 2 above (copy enclosed) and it did not reach the Collector for no fault of mine.

6. EXPLANATION TO CHARGE NO.1.

Period from 2-5-51 to 8-5-51: This was a marriage season. There was heavy rush of business. The only clerk I had was on tour for making purchases. Hence I could not write up daily stock during that period. I did enter up this stock register later on with reference to the bill books. This lapse is neither wilful nor actuated by any motive. I therefore pray that this mistake may kindly be excused.

EXPLANATION TO CHARGE NO.2.

If I could post purchases in the stock book, I could have also posted sales whether they related to Binny cloth or otherwise . Further, I could not have entered purchased of Binny cloth in question on 3-5-51 as I had not entered up sales from 2-5-51 itself. The reason for this lapse is as for item No.1. This ommission is also not wilful and not actuated by any profit motive. I therefore pray that the Collector may be please to condone the lapse.

EXPLANATION TO CHARGE NO.3.

My shop consists of two parts. In both these parts goods are exhibited and sold every day. The Officer asked me if I h Binny stock and I took him into the other part of the shop and show him II yards of white drill remaining unsold on that day. This part of the shop is not a private apartment. It is accessable to every customer. This can be easily verified by personal inspection. There is nothing fishy about it. I therefore submit that this is mistake at all and pray that this objection may kindly be cancel

P.T.O

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EXPLANATION TO CHARGE NO.4.

As Binny authorities asked us to write down full addresses of purchasers I noted full addresses accordingly. As I did not know that full addresses should be boted in bills for sale of other mill cloth. I noted only the names of purchasers. From the moment I came to know that full addresses must be noted in all bills relating to any mill cloth sold, I have be en doing it upto this day. As the ommission of full addresses is not wilful I pray that the Collector may be pleased to excuse the lapse.

EXPLANATION TO CHARGE NO.5.

I signed in full in all the bills issued by me. My son who has returned fresh from college put his initials only not knowing that he had to sign in full. I therefore request that this lapse may also be kindly excused.

EXPLANATION TO CHARGE NO.6.

It is true that the licence was kept in the cash box. The practice has been to hang it during day time and keep it in the cash box safely at other time as it is an important document. It was just about the time for out closing the shop that the officer came for inspection; Since the time of his inspection, the licence is kept hanging in a prominent place. I therefore pray that this mistake may kindly be excused.

8. SUBMISSION.

7. I have been an honest dealer in Cloth since 30 years. I am a licence dealer ever since the time of control. I have never given room for any sort of complaint against me all these years since these are minor and formal mistakes not involving my fair name in business and since these are neither wilful not acutated by profit motive, I am humbly pray that the Hon'ble Director may kindly be pleased to accept my explanations and cancel the charges in the ends of justice.

P.T.O.

87-88/7/8 —4— 7

8. On receipt of the order of Collector bearing R.C.No. 590/51 dated 11-6—51, I filed a petition dated 15-6-51 to enquire about my submission of explanations and restore the licence. On enquiry that I had in fact submitted my explanations are stated above. But the Collector has been pleased in hisR.C.No. 590/51 ~~dx~~ T.I. dated 19-6-51 to refer me to Government in appeal as he has presumably no power to set aside his own orders.

PRAYER.

9. (a) I therefore request that the concerned file may kindly be called for from the Collector and examined and orders passed thereon. There has been a grave mischarriage of justice due to mistake of facts and as my explanation has not reached the collector for no fault of m ine. I pray vefy early action may be taken to call for records and to examine the case and to restore my licence in the ends of justice.

9 (b). In the meanwhile I request that the order of the Collector cancelling my Licence may be stayed and that I may be permitted to carry on sales till the disposal of this appeal on ~~merixkkx~~ merits.

Yoursfaithfully,
For K. Lexman Setty & Sons,

K. Laxmansetty

APPELLANTS.

Compd CR 8/8

3 9

From

Sril G. Rami Reddi. B.A.,
Collector, Bellary.

To

The Secretary to Government
(Dev)Department, Madras,.
THROUGH "
The Director of Controlled
Commodities, Madras.

ASST. SECRETARY TO GOVT. 8 AUG 1951

R.C.No. 590/51.T.1: D/ 14.8.51. 91011

***

Sir,

Sub:- Textiles - Mill cloth -, Bellary district - Hospet town Retail cloth dealer - Lakshmiah Setty (Sri.K.) Failure to maintain correct stock accounts and other irregularities - Appeal against orders of cancellation of licence- Remarks - Offerred.

***

Ref:- Endorsement No. 83396 M I/51. Dated,6.8.51 from the Government Dev. Department of Madras.

***

Report.

On 9.6.51 I passed orders cancelling the retail cloth licence of the appelant, Sri.K.Lakshmiah Setty of Hospet on the ground that the charges framed against him in this office R.C.No. 590/51.T.1 Dated, 11.6.51 were serious and that the dealer failed to offer his explanation. On 15.6.51 he put in a petition stating that he had handed over his explanation in the Collector's office on 24.5.51. This explanation was not forth coming in the Textile Control Office and it was not presented either to me or to the T.C.O. as it is generally done by all cloth and yarn dealers in this district. Though the dealer came with the information after the orders cancelling his licence had been passed, the fact that the H.H.C. of this office certified to his having received the dealer's petition on 24.5.51 had to be given due consideration. As the dealer had not retained even a copy of his explanation to the charges he offered his fresh explanation dated 16.6.51. As the explanation offered by the dealer even at this stage in respect of all the chrges was a virtual admission of the offences and as there were no sufficient grounds to take the initiative to address the Government for revision of orders, the party was endorsed in this office R.C.590/51.T.1 D/19.6.51 that he might appeal to the Government if he was so advised. The file was perused by the D.C.C. during his camp at Bellary on 21.7.51 on the representation of the dealer.

Even in the appeal petition the dealer has not put forth any fresh points for consideration, except stating that his explanation handed over to the H.H.C. on 24.5.51 having been mislaid, the punishment order should be set aside. The orders were passed with reference to the serious nature of the offences especially 1 to 3 mentioned in the show cause notice.

P.T.O.

/o

In his explanation dated, 16.6.51 the dealer admitted the charges. Even if his original explanation had not been mislaid, the dealer might not have been meted out with a lesser punishment, especially when the T.C.O. had personally detected siggs of malpractices on the part of the dealer in respect of the Binny cloth for which there was so much demand from the public at that time.

I therefore submit that as the dealer has virtually admitted all the charges which are serious and as no fresh points of defen ce have been offered in the appeal petition, it is undesireable to allow the petiti ner to be a cloth dealer.

I enclose this office file pages 1 to 32 C.F. and 1 to 6 U.F. for reference and return when no longer required.

[By order]

(Sd) G. Rami Reddi
14.8.51
FOR COLLECTOR.

S.B.H. 16/8. Sy 16/8/51

A. Ramaya
Textile Cantral Officer

✓ Copy submitted direct for favour of information.

R.C.B1/84865/51.

Office of the
Director of Controlled Commodities,
Mount Road, Madras, 17.8.51.

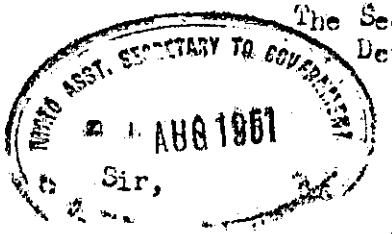
From

Sri P.S.Viswanatha Ayyar I.C.S.
Director of Controlled Commodities.

To

The Secretary to Government,
Development Department,
Fort St. George,
MADRAS

91456



Sir,

sub: Textiles - Mill cloth - licence of M/s K.Lakshmana Setty & Sons, Hospet, Bellary district - cancelled - revision petition.

ref: 1. Petition dated 20.7.51 from M/s K.Lakshmana Setty & Sons, through their counsel.
2. Govt. Endt. No.83396 MI/51-1 dated 6.8.51.

I enclose the petition dated 20.7.51 presented to me by the appellants with the original copy of the order of the collector dated 11.6.51 filed by the petitioner.

I have perused the connected records in the collector's office in my Bellary camp. The Huzur Head Clerk admitted that he received the explanation as the Textile Control Officer was absent then, but had mislaid it. In view of the fact that the appellant had offered his explanation in time and handed it over to the Huzur Head Clerk, who

p.t.o...

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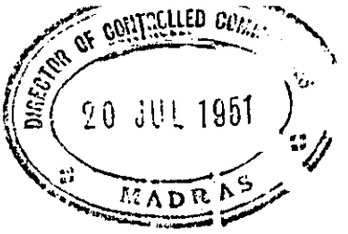
mislaid it, the punishment of cancellation of the licence given to the petitioners on the ground, among others, that they failed to offer their explanation in time, is excessive. I therefore, recommend that the licence may be treated as suspended till the date of the orders of Government to that effect.

sd. P.S.Viswanatha Ayyar,
Director of Controlled Commodities

17/8

GSC.17.8.

D Samuel 20/8/57
for Director of Controlled Commodities



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Recom 23/7/51

23/7/51

B.!

Appeal

of

M/S K. Laxmana Setty & Sons

Cloth merchants.

Hospet.

Before the Director of Controlled Commodities, Madras.

~~In the Court of the District Bellary.~~

Appeal No. of 1951.

BETWEEN:-

Kakubal Laxman Setty & Sons, Hospet — *Plaintiffs. ~~Petitioners~~ Appellants.*

AND

Defendants. Counter-Petitioners. Respondents.

To,

Sri D. L. Gangadhara Chetty, B.A.,B.L.,
Advocate, Bellary.

Vakalath executed by:- K. Viswanatha Setty for K. Laxman Setty & Sons

I/We herein, do hereby appoint and retain the above named Advocate to appear in the matter, to conduct all proceedings connected with the same, to execute all decrees or orders, and to effect any lawful compromise in the suit, empower him to receive back from the Court all documents, moneys or other property connected with the above suit or matter, further empower him to appoint any other Vakil to appear for him, if necessary, and to conduct any proceedings connected with the above suit or matter in the appellate court also, on ~~my~~ our behalf.

I/We agree that the above named Advocate shall have the right to withdraw if any portion of his fees remains unpaid,

Place Madras — K. Viswanatha Setty — Identified

Date 20.7.51 — for K. Laxman Setty & Sons. — 20/7/51

Executed before me this 20th *day of* July 1951.

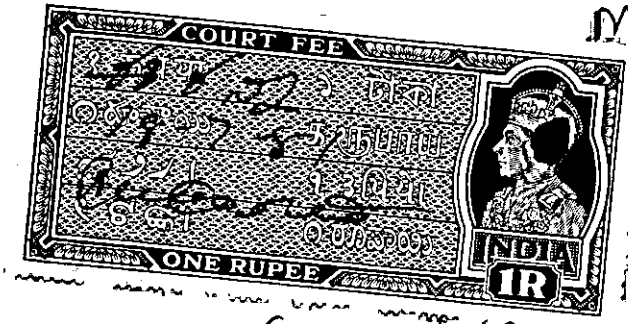
20.7.1951

1 6 Director of Controlled Commodities

In the Court of the ~~District~~ Judge of Munsif

Madras 3

~~BELLARY~~



Appeal No of 1951

Accepted

Dwarakanathan

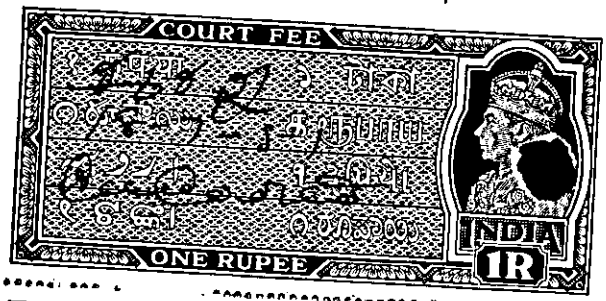
20.7.51

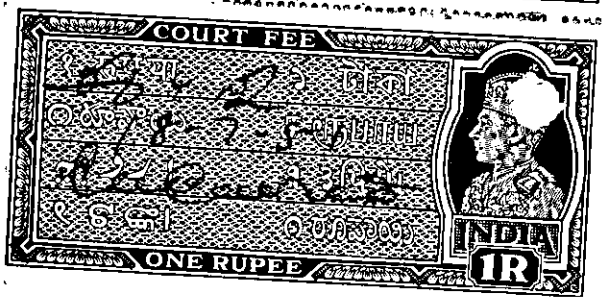
Advocate

Bellary

VAKALAT ON BEHALF OF

Kakubal Lakshman Setty & Sons, Hospet.





Sri D. L. Gangadhara Chetty,

Advocate, BELLARY.

From : K. Lakshmana Setty &Sons,
Holder of L. No. 430, Retail Cloth Merchant,
Hospet.

To : The Director of Controlled Commodities,
M a d r a s.

Sir,

1. I, K. Laxman Setty have the honour to bring the following few facts to your kind notice for redress of my grievance. Injustice has resulted from a sheer mistake offacts . I am a cloth merchant licenced under the Madras Cloth Dealers Order 1948 and my license Number was 430 for retail sale of cloth in Hospet town of Bellary District.

Charges.

2. On 9--5--51 the T.C.O. Bellary, inspected my shop and framed the following charges against me viz.

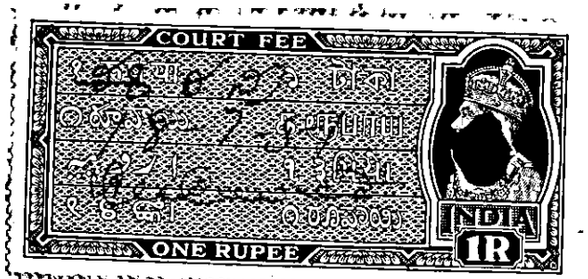
1. That the daily stock account was not written up from 2-5-51 to 8-5-51 through there were sales between the two days.
2. That the binny cloth purchased by the licensee on 3-5-51 in Invoice Nos. 18 7 20 was not brought to account at all and sales were made.
3. That binny cloth measuring II yards white drill was kept in a place not accessible to the public and it was not exhibited for sale.
4. That bills did not give the addresses of consumers.
5. That all the bills were initialled by the salesman and not signed by him.
6. That the licence was kept in a box and not displayed.

3. The alleged offinces were treated as violations of the conditions of the licence viz., condition 6,4,8,3 of the conditions of Linence and punishable under the E.S.(T.P.) Act 1946 as amended

Explanations.

4. The memorandum of charges was received by me on 23-5-51 and I was given a week's time for giving my explanations. I have my explanations on the next day itself i.e. on 24-5-51 in the Collector's Office in person to the Huzur Head Clerk who was the acting T.C.O. as the Textile Control Officer was absent. But to my disa - ppointment and surprise an order in R.C.No. 590/51 T.I. Dated 11-6-'51 (copy enclosed) has been served on me cancelling my Licence.

P.T.O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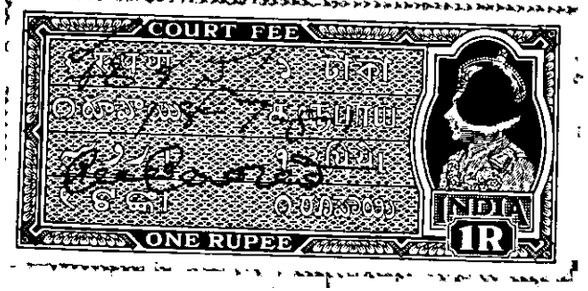
COURT FEE
INDIA
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ONE RUPEE

19 9-

5. In this connection I have to point out to your goodself that the punishment inflicted on is "apparently because I had no explanation to give and the charges have been held proved" while as a matter of fact I gave the following explanations as mentioned in Para 2 above (copy enclosed) and it did not reach the Collector for no fault of mine.

6. EXPLANATION TO CHARGE NO.1.

Period from 2-5-51 to 8-5-51: This was a marriage season. There was heavy rush of business. The only clerk I had was on tour for making purchases. Hence I could not write up daily stock during that period. I did enter up this stock register later on with reference to the bill books. This lapse is neither wilful nor actuated by any motive. I therefore pray that this mistake may kindly be excused.

EXPLANATION TO CHARGE NO.2.

If I could post purchases in the stock book, I could have also posted sales whether they related to Binny cloth or otherwise . Further, I could not have entered purchased of Binny cloth in question on 3-5-51 as I had not entered up sales from 2-5-51 itself. The reason for this lapse is as for item No.1. This ommission is also not wilful and not actuated by any profit motive. I therefore pray that the Collector may be please to condone the lapse.

EXPLANATION TO CHARGE NO.3.

My shop consists of two parts. In both these parts goods are exhibited and sold every day. The Officer asked me if I had Binny stock and I took him into the other part of the shop and showed him II yards of white drill remaining unsold on that day. This part of the shop is not a private apartment. It is accessable to every customer. This can be easily verified by personal inspection. There is nothing fishy about it. I therefore submit that this is not mistake at all and pray that this objection may kindly be cancelled.

P.T.O

EXPLANATION TO CHARGE NO.4.

As Binny authorities asked us to write down full addresses of purchasers I noted full addresses accordingly. As I did not know that full addresses should be boted in bills for sale of other mill cloth. I noted only the names of purchasers. From the moment I came to know that full addresses must be noted in all bills relating to any mill cloth sold, I have been doing it upto this day. As the ommission of full addresses is not wilful I pray that the Collector may be pleased to excuse the lapse.

EXPLANATION TO CHARGE NO.5.

I signed in full in all the bills issued by me. My son who has returned fresh from college put his initials only not knowing that he had to sign in full. I therefore request that this lapse may also be kindly excused.

EXPLANATION TO CHARGE NO.6.

It is true that the licence was kept in the cash box. The practice has been to hang it during day time and keep it in the cash box safely at other time as it is an important document. It was just about the time for out closing the shop that the officer came for inspection; Since the time of his inspection, the licence is kept hanging in a prominent place. I therefore pray that this mistake may kindly be excused.

X. SUBMISSION.

7. I have been an honest dealer in Cloth since 30 years. I am a licence dealer ever since the time of control. I have never given room for any sort of complaint against me all these years since these are minor and formal mistakes not involving my fair name in business and since these are neither wilful not acutated by profit motive, I humbly pray that the Hon'ble Director may kindly be pleased to accept my explanations and cancel the charges in the ends of justice.

P.T.O.

N) -13-

8. On receipt of the order of Collector bearing R.C.No. 590/51 dated 11-6--51, I filed a petition dated 15-6-51 to enquire about my submission of explanations and restore the licence. On enquiry that I had in fact submitted my explanations are stated above. But the Collector has been pleased in hisR.C.No. 590/51 dx T.I. dated 19-6-51 to refer me to Government in appeal as he has presumably no power to set aside his own orders.

PRAYER.

9. (a) I therefore request that the concerned file may kindly be called for from the Collector and examined and orders passed thereon. There has been a grave mischarriage of justice due to mistake of facts and as my explanation has not reached the collector for no fault of m ine. I pray vefy early action may be taken to call for records and to examine the case and to restore my licence in the ends of justice.

9 (b). In the meanwhile I request that the order of the Collector cancelling my Licence may be stayed and that I may be permitted to carry on sales till the disposal of this appeal on merits.

Yoursfaithfully,
For K. Laxman Setty & Sons,
K. V. Dwarakanath Setty.
20.7.51.
APPELLANTS.

15

R.C. No. 590/51. T.1

Collector's Office Bellary
Dated, 11.6.51.

Proceedings of the Collector, Bellary.
Present: Sri. C. Kapi Reddi, B.A.,

Sub:- Textiles - Milkcloth - Hospet town - Retail dealer Lakshmiah Setty (Sri.K) L. No. 430 -B(R) - Irregularities in stocks and ~~sales and~~ stock accounts etc., - Disciplinary action - Orders Passed -

Read:- 1. T.C.O's memorandum notes dated, 9.5.51.
2. This Office R.C.No. 590/51.T1. dated, 16.5.51.
3. The dealer's postal acknowledgement dated, 23.5.51.

The following charges had been framed against Sri. K Lakshmiah Setty, retail cloth dealer, Hospet, and he was asked by this office notice dated 16.5.51 cited to show cause within a week from the date of its receipt why his kinnum retail licence should not be cancelled.

1. That the daily stock account was not written up from 2.5.51 to 8.5.51, though there were sales between the two dates.
(violation of condition 6 of the licence)

2. That the Binny cloth purchased by the licensee on 3.5.51 in invoice Nos. 18 and 20 was not brought to account at all and sales were effected. (violation of condition 6 of the licence)

3. The Binny cloth measuring 11 yards (white drill) was kept in a place not accessible to the public and it was not exhibited for (violation of condition 4 of the licence)

4. In the bills the addresses of the consumers were not given at all. (violations of conditions of the licence)

5. In all the bills, only initials were made instead of the signatures of the dealer. (violation of condition 8 of the licence)

6. The licence was kept in a box and not displayed. (violation of condition 3 of the licence.)

All the offences were punishable under Sec. 7(1) of the E.C.(T.P.)Act, 1946 as amended.

The memo of charges (show cause notice) was received by the licensee ~~on~~ on 23.5.51 as evidenced by the postal acknowledgement but though more than a week has elapsed, the dealer has not chosen to offer any explanation. Apparently he has no explanation to give. The charges are therefore held proved.

The first three charges are serious ones. It is unnecessary to have such cloth dealers. The licence is cancelled.

Sd. N. Anniah Naidu
For Collector.

By Order
S. Gopala Rao
13/6/51.
For Textile Control Officer.

SDK. 13.6.51.

To Sri. K. Lakshmiah (detail cloth dealer) Hospet.
2. The linked wholesale dealer, Sri. L. Rami Reo, Hospet. for information and to stop the issue of cloth ~~and/or~~ Permits. ~~Cancellation~~ quotas to the retailer with immediate effect.
and M/S. K.M. Yusuf & Sons, Binny Wholesaler , Bellary.
3. The Textile Inspector, Hospet for information and to seize and submit the licence along with proposals to transfer the balance of cloth stock with the dealer to another retailer.
4. T.3. (shop file)
5. T.1. Register of Punishments.

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D

No.nc.3.1.84865/51.

Office of the
Director of Controlled Commodities,
Mount Road, Madras, Dated: 29-8-51.

From

Sri P..Viswanatha Ayyar, I.C.S.,
Director of Controlled Commodities,

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

95636

Sir,

Sub: TEXTILES - Mill cloth - Licence of M/s M.Lakshmiah Setty, & Sons, Hospet, Bellary District - Cancelled - appeal.

Ref: 1. Government Endorsement No.83396/MI/51-1 dated 6-8-51.
2. Report No.590/51/T.1. dated 14-8-51 from the Collector, Bellary.

I enclose a copy of the letter from the Collector, Bellary second cited with all the enclosures in original.

2. I have already offered my remarks in detail, in my report of even number and dated 17-8-51 on the appeal petition, after examining the case in person when I had been to Bellary.

for Director of Controlled Commodities.

Vs/29.8.51

Copy of the letter No. Rc.590/51-T.1. dated 14-8-51 from the Collector, Bellary, to the Secretary to Government of Madras through the Director of controlled commoditis, Madras.

....

Sir,

Sub: Textiles - mill cloth - Bellary district - Hospet town - Retail cloth dealer - Lakshmiah setty (sri K). failure to maintan correct stock accounts and other irregularities - Appeal against orders of cancellation of licence - Remarks offered.

Ref: Endorsement No. 83396/MI/51 dated 6-8-51 from the Govern ment Dev. Department of Madras.

On 9-6-51 I passed orders cancelling the retail cloth licence of the appellant, Sri K.Lakshmiah setty of Hospet, on the ground that the charges framed against him in this office R.C.NO.590/51/T.1. dated 11-6-51 were serious and that the dealers failed to ~~offer his~~ offer his explanation. On 15-6-51 he put in a petition stating that he had handed over his explanation in the Collector's office on 24-5-51. This explanation was not forth coming in the Textile Control Office and it was not presented either to me or to the Textile Control Officer, as it is generally done by all cloth and yarn dealers in this district. Though the dealer came with the information after the orders cancelling his licence had been passed, thefact that the H.H.C. of this office certified to his having received the dealers petition on 24-5-51 had to be given due consideration. As the dealer had not retained even a copy of his explanation to the charges he offered his fresh explanation dated 16-6-51 . As the explanation offered by the dealer even at this stage in respect of all the charges was a virtual admission of the offences and as there were no sufficient grounds to take the intitiative to address the Government for revision.

p.t.o.

of orders, the party was endorsed in t is office .c.590/51/1.1. dated 16-6-51 that the right appeal to the Goverment if he was so advised. The file was perused by the D.C.C. during his camp at bellary on 21-7-51. on the representation of the dealer.

Even in the appeal petition the dealer has not put forth any fresh points for conside ation, except stating that his explanation handed over to the .I.C. on 24-7-51 having been mislaid, the punishment order should be set aside. The order were passed with reference to the serious nature of the offences especially I to 5 mentioned in the show cause notice. In his explanation dated, 16-6-51 the dealer admitted the charges. Even if is original explanation had not beem mislaid, the dealer might not have been meted out with a lesser, punishment, especially when the I.C.C. had presonally detected signs of malpractices on the part of the dealer in respect of the Binny cloth for which there was so much de and from the public at that time.

I therefore submit that as the dealer has virtually admitted all the charges which are serious and as no fresh points of defence have been offered in the appeal petition, it is undesirable to allow the petitioner to be a dloth dealer.

I enclose this office file pages 1 to 32 C.F. and 1 to 6 N.F. for reference and return when no longer required.

Sd.
Collector.

/True Copy/-

for Director of Controlled Commodities.

Vs/29.8.51

33

113/1719 Sub: Textiles - mill cloth — Bellary Dt. — Hospet Town — Ic. Lakshmiah Selty - Retail dealer — Cancellation of licence - Appeal - Orders passed -

Ref: 1) For Ic. Lakshmiah selty & Sons of mil
2) For Ic. Clr of Bellary Rc. no 590/57 T1 d 14.8.57
3) For Inspector Rc. B1. 84865/57 d 17.8.57

Go Rt no 623 d 17.5.57

The Govt direct that the order of Cancellation of licence of Sri Ic. Lakshmiah Selty, Hospet, be modified to one of Suspension for the period already undergone. The Collector of Bellary is

34

requisites to issue orders accordingly

2

Sri K. Lakshmiraj Selby is represented by the Collector of Bellary for orders on his petition dated-

14.5.1991

(1991)

To the Collector of Bellary
To the Police (Records Returned ®)
To Sri K. Lakshmiraj Selby Thro
Hospet.
Bellary } (Parawise)

Compd
on
19/9/91

The Buckingham & Carnatic Company Limited

COTTON MILLS
BUCKINGHAM MILL } MADRAS
CARNATIC MILL }
COTTON PRESSES AT
DAVANGERE
NANDYAL
TADPATRI
TIRUPUR

Post Box No 66
Madras-1.

125511

TELEPHONE Nos 2974/6 2409
TELEGRAPHIC ADDRESS:-
BUCARNICO - MADRAS

Sales No.11/~~BHC~~ 645/MP/147 15th November 1951.

The Secretary,
Development Department,
Fort St. George,
MADRAS.

16 NOV 1951

Dear Sir,

M/s. Lakshmana Setty & Sons, Hospet.

We enclose correspondence exhcanged with the Collector of Bellary concerning these dealers. You will see from this correspondence that the dealers were suspended for a period of one month on account of technical irregualrities. After the month had elapsed the dealers licence was restored but the Collector then stated that the dealer would only be permitted to deal in other Mills goods. We do not ourselves regard the dealers offences as of a serious nature, and as his licence is being restored we consider that they have in any case been condoned and we do not understand why the dealer should not be permitted to deal in our goods if he is now considered sufficiently reliable to deal in the goods of other mills. This discrimination is to say the least, a little unfortunate and we request you to issue suitable instructions to the Collector of Bellary.

Yours faithfully,
For THE BUCKINGHAM & CARNATIC CO: LTD:
BINNY & CO. (MADRAS) LTD.

Asst Manager,
Managing Agents.

CPBS/BA

Copy to:
The Bangalore Woollen Cotton & Silk Mills Co. Ltd.,
BANGALORE CITY.

Reference 1255 dt. 30-11-17

Reference from Collector

& Bellary to remarks before 28/12/17

THE BUCKINGHAM & CARNATIC Co., Ltd.,
Post Box No. 66,
Tel: BUCARNICO. **MADRAS.**

15th November, 1951.

Sales No.11/645/MP/148.

The Collector,
Bellary District,
BELLARY.

Dear Sir,

M/s.Lakshmana Setty & Sons,
Hospet.

With reference to your letter L.Dis 1598/51 d/10-11-51, we are instructing our wholesale dealers to suspend supplies to M/s.Lakshmana Chetty & Sons,Hospet until further advice. We are requesting Government to review the matter and will therefore defer taking action on the appointment of a substitute until the Government's final decision is known. Meanwhile the allotment will be distributed pro-rata to our other approved retailers in the list.

Yours faithfully,
For THE BUCKINGHAM & CARNATIC CO
BINNY & CO. (MADRAS) LTD.
Asst Manager,
Marketing Agents

copy to:-
1.The Sec.yDevelopment Dept.,
Madras.
This has reference to our letter no.Sales 11/645/MP/147 d/15-11-51 enclosed herewith.
2.M/s.Hajee Ebrahim Essack & Sons,Chickpet,
Bangalore city.
Please issue suitable instructions to the wholesale dealers.
3.Sales Staff File.
4.The Bangalore Woollen,Cotton & Silk Mills Co.Ltd.,
Bangalore city.

From
Sri.G.Rami Reddi B.A.,
Collector,Bellary.

To
The Manager,The Buckingham
& Carnatic Company Ltd.,
Post Box No.66,MADRAS.

L.Dis.1598/51 c/10-11-51.

Sir,

Sub:- Textiles - Mill cloth - Hospet town-Retailer Ms.Laksmana Chetty & Sons L.No.434(M) R- Resumption of supplies.

******

Ref: Your letter Sales I0/645/MP/43 d/25-10-51.

I see no reason to revise my decision communicated with my L.Dis.1503/51 dated 15-10-51 as no fresh facts have been brought light. Please take steps urgently to implement the decision communicated with my L.Dis.1503/51 d/15-10-51.

Sd.G.Rami Reddi
Collector.

By order

Sd/-
Textile Control Officer.

M.F.

THE BUCKINGHAM & CARNATIC Co., Ltd.,
Post Box No. 66,
MADRAS.

Tel: BUCARNICO.

COPY.

25th October '51

Sales No.10/645/MP/415

The District Collector,
BELLARY.

Dear Sir,

SUB: M/S LAKSHMIAH SETTY & SONS
RETAIL DEALER-BELLARY
REF: YOURS L.DIS.NO.1503/51
T.I. DATED 20-10-51

As you state that the dealers cited above have been punished for the offence they have committed, we would respectfully suggest that further punishment is scarcely merited by the technical nature of their offences. These in our opinion do not warrant removal from our list, especially after you have restored the licence to them for general trading after a suspension of one month only.

In these circumstances we should be most grateful if you would permit our wholesalers to resume supplies to these retail dealers, who have, we think, received sufficient warning to comply more carefully with the letter of the regulations.

Yours faithfully,
For THE BUCKINGHAM & CARNATIC CO:LTD:
BINNY & CO:(MADRAS)LTD:

Sd/- C.P.B. Simpson.
Asst. Manager.
Managing Agents.

ED.

C O P Y.

From:
Sri. G. Rami Reddi, B.A.
Collector, Bellary.

To:
The Manager, Binny & Co.(Madras) Ltd., Madras.

L.Dis.No.1503/51 T.I. D/20-10-51

Sir;

Sub: Textiles - Mill cloth - Hospet town - Retailer - M/s. Lakshmiah Setty & Sons - L.No.430 (M)R - Suspension - Resumption of supplies - Irregular Stoppage of supplies Proposals sent.

Ref: Your letter sales 10/645/MP/157 dated 10-10-51.

This office proceedings D.Dis.No.590/51.T.I. Dated 27.9.51 were not communication to you by me. A copy of the charges C.No. 590/51 T.I. Dated 18-5-51 for which the dealer has been punished is enclosed for your information. It will be seen from it that he has been punished mainly for offences in respect of your products. It is therefore considered undesirable to allow him to transact in Binny cloth again. It would have been better if you had consulted me before instructing the wholesale dealer to resume supplies to the retailer. Please see that further supplies are stopped with immediate effect and the name of the retailer removed from your list once for all. You may select another retailer of Hospet town for inclusion in the list of Binny quota holders and obtain my appl. for that.

Sd/-
For Collector.

By Order

Sd/-S.Gopala Rao
23-10-51
For Textile Control Officer.

S.B.H.22/10

1. Copy to M/s. K.M. Yusuf Saheb, wholesale cloth merchant, Bellary. for information and to stop further supplies of Binny quotas to the dealer with immediate effect. He should have intimated the company's intentions and obtained the Collector's orders in the matter.

2. Copy to the Textile Inspector, Bellary I for information and to report whether supplies are stopped by the wholesaler.

3. Copy to the Textile Inspector, Hospet for information. If the dealer has any stocks of Binny cloth with him, they should be proposed to be transferred to another retailer holding Binny quota directing the dealer to stop their sale with immediate effect. The licence of the dealer should be seized and submitted for removing words "Binny cloth" on it

4. Copy for taking action to correct the entries in the licence when it is received.

(Register of punishments.)

P.T.O.

Copy of the charges framed against Sri. K. Lakshmaiah Setty, Cloth merchant, Hospet in Bellary Collector's R.C.No.590/51, T.I.

Date of detection 8-5-51

CHARGES

I. The daily stock account was not written up from 2-5-51 to 8-5-51 though there were sales between the two dates. (violation of condition of condition 6 of the licence)

II. The Binny Cloth purchased on 3-5-51 in Invoice Nos.18 and 20 was not brought to account at all and sales were effected. (violations of conditions 6 of the licence).

III. The Binny cloth measuring 11 yards (white drill) was kept in a place not accessible to the public and it was not exhibited for sale. (violation of condition4 of the licence issued under Madras Cloth Dealer's Order,1948.)

IV. In the bills the addresses of the consumers were not written at all (violation condition 8 of the licence).

V. In all the bills only initials were made instead of the full signatures of the dealer. (violation of condition 5 of the licence)

VI. The licence was kept ina box and not displayed. (Violation of condition 3 of the licence).

All the above offences are punishable under Section 7 (1) of the Essential Supplies (Temporary Powers) Act.1946 as amended.

(True Copy)

Verified.

From

Sri. G. Rami Reddi. B.A.,
Collector, Bellary.

To

The Secretary to Government Dev. Dept., Fort St.,George,Madras.

L.Dis. No. 1840/51. T.1. Dated,15.12.51.

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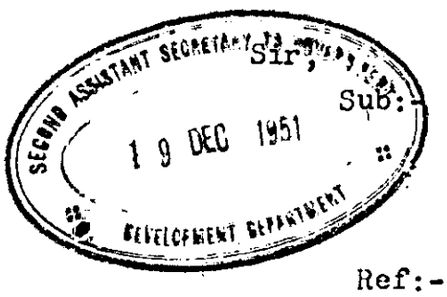

Sir,

Sub:- Textiles - Mill cloth - Bellary district - Hospet taluk and town - Kakubal Laxmana Setty (Sri) - Resumption of Binny allotment - Letter of the managing agents of the B & C Co., Madras to the Government- Remarks - Submitted.

Ref:- 1.Government Development Department Endorsement No. 125511 MI/51-1-D.30.11.51.
2.G.O.Rt.No.623 Dev.Dept., D/ 17.9.51.

The retail cloth licence of Sri. Kakubal Laxmana Setty of Hospet was cancelled, in this office R.C.590/51.T.1. D/11.6.51, for offences in respect of Binny cloth viz. violation of conditions 3,6 and 8 of the retail cloth licence . The Government in their order second cited were pleased to modify my orders to that of suspension for the period already undergone. After the restoration of the dealers licence the Binny and Co., Madras in their letter No. Sales 10-645-MP-157 dated 10.10.51 stated that they have instructed their wholesalers to resume supplies to Sri. K. Laxmana Setty of Hospet. But the Co., was informed that it was considered undesirable to allow the dealer to deal in Binny cloth as he was punished mainly for offences in respect of that cloth and Co., was also requested to stop supplies to the dealer with immediate effect and to remove his name from their list once for all. The Co., was however informed that they could select another retailer at Hospet and have my approval for that.

In this connection it is submitted that dealers of good repute only are selected for dealing in Binny cloth etc., and that Sri. K. Laxmana Setty cannot be considered as such, as he was punished for offences relating to Binny cloth alone. However a wide range of discretion to select any other dealer at Hospet was allowed to the Co., and there is therefore no reason why they should be particular of giving their quotas to Sri. K. Laxmana Setty as any other dealer of better repute would serve well in distributing and disposing of their cloth.

K Krishnaswamy
17.12.51
FOR COLLECTOR.

S.B.H. 17.12.51.

D 12159.

45/211

D ev HI Dept

Pk. draft HMS 22-1-52

Memo no 12 55 II HI/57-2 Dated 22-1-52.

Sub: Textiles - mill cloth - Bellary Dt
M/s. Lakshmirat Selby & Sons - Hospet.
Resumption of B & C. mills allotment

Ref: From M/s B & C. Co Ltd. no. II/645/HP/147 & 18.11.57.

From the Collector of Bellary Dis. 1040/57 T1 & 15.12.57)

The Collector of Bellary is directed to restore the B & C mills quota to M/s. Lakshmirat Selby & Sons, Hospet.

Comptd 24/1/52 22.1.52

22/1/52

To the Collector of Bellary
Copy to M/s. B & C co Ltd.
P. B. 66.
Madras.

(C No. 83396 DL/57)

Sub: Textiles - mill cloth - Bellary Dist - Hospet Town - K. Lakshmiah Setty - Retail dealer - Cancellation of licence - Appeal

Ref: From K. Lakshmiah Setty Hospet dt nil
From the Collr. of Bellary Rc. No 590/57 TI dt 14.8.57
From the D.C.C. Rc. B1. 84865/57 dt 17.8.57

To A.S.

The accused file may be perused.

On 9.5.57 the T.C.O. Bellary inspected the shop of the appellant & found the following irregularities:—

(1) That the daily stock register was not written up from 2.5.57 to 8.5.57 though there were sales between the two days

(2) That the B & C cloth purchased by the appellant on 3.5.57 was not brought to account at all and sales were made

(3) That 11 yds of B & C cloth while cloth was kept in a place not accessible to the public and it was not exhibited for sale

(4) That bills did not give the addresses of Consumers

(5) That all the bills were initialed by Salaman & not signed by him.

(6) That the licence was kept in a box and not displayed in a prominent place

On 18.5.57 Charges were framed and the appellant

was directed to show cause why his licence should not be cancelled for the irregularities On 9.6.57 the Collector passed orders cancelling the licence of the appellants and were communicated in his Re. 5790/57 T) d 11.6.57. as no explanation was stated to have been received in the Collectors office.

The appeal of the petitioners appellants is against the above Orders of the Collector. The appellant has stated that he presented his explanation in person to the Head clerk on 24.5.57 in the Collectors office as the T.C.O. was not present.

He submits the following explanation to the charges:-

Charge (1). The failure to write up the stock register in Sand Book for 7 days due to the absence of his clerk who went on tour for purchase of chilli.

Charge (2) The reason for this irregularity is the same as for item (1) above

Charge (3) The petitioner denies charge (3). He has stated that the white chilli was kept in the shop and it was accessible to every customer

Charge (4) The appellant has stated that he had been selling (in case bills) to consumers for sale of B+C chilli and he does not know that a similar procedure has been followed in the case of sale of other mill chilli.

It is submitted that ~~this~~ charges (1), (2) & (3) are trivial and that charge 4 is not sustainable. Dealers are not required to enter names and address of Consumers in cash bills for sale of general

with clerk. ~~[illegible]~~
~~[illegible]~~

Charge 5: The appellant has explained that he failure to sign full name of the salesman was not wilful and that this son — who had returned from College did not know the rules.

Charge 6: Licence was kept in the cash box as it was late that evening being closing time of the shop. The licence was an important document and was displayed in the day time & kept in the safe in the evening — that the T.C.I. came (for inspection) in the evening & hence it was found kept in the box.

Charges 5 and 6 are also trivial

The petitioner has represented that the irregularities stated above were all technical and requests that his licence may be restored.

The Collector of Bellary has reported that the appellant had accepted and admitted the charges and that he had not brought out any fresh points in his appeal except the fact that he had delivered his explanation to the Head Clerk and Charges to the head clerk on 24.5.51 to the Head Clerk. The Collector also has since agreed that the Head Clerk received the explanation and misplaced it somewhere. However as the appellant has admitted the charges framed by the Collector, he considers that the petition need not be reconsidered

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Attention is invited to the D.C.C.'s report on p. 11 C/F. He has stated that he perused the records in the Collectorate while he was camping in Bellary. The Huzur Head Clerk admitted that he received the explanation of the appellant as the T.E.O. was absent but omitted it. In view of this fact the D.C.C. has stated that the punishment of Cancellation is excessive. He therefore recommends that the licence may be treated as suspended till the date of the order of the Court.

It is submitted that the irregularities mentioned in the above are not so serious as to warrant cancellation of licence. No blackmarketing is involved. It is for orders whether the D.C.C's recommendation may therefore be accepted and the order asked to warrant the 'H.H.C'

AS 29/8/57 OA 30/8/57

1957

DS

The charges are of a routine kind & not serious. Cancellation is harsh punishment. May be reduced to suspension for the period undergone.

3/9

HM (Dev) 4/9

DEPUTY SECRETARY TO GOVERNMENT 6 DEVELOPMENT DEPARTMENT

Do AS.

A draft order is subd for approval

AS 11/9/57 OA 11/9/57

1957

SECRETARY TO GOVERNMENT 6 SEP 1951 DEVELOPMENT DEPARTMENT

(Dev & Jo-RI 623 dt

11.9.57

/) 5/ Dev M.I. Dept

Sub: Texts. & Cl. rule Coll. Bellary Dt.
M/s. Lakshmana Selly & Sons. Hospet

Ref: Fm M/s B.T.C. Co dtd no 11/645/SP/147
dt 15.11.0

Dist Collector & Bellary Lr. No. 1845/0
dt 15.12.0

To AS

The Govt file may be perused
The Collector & Bellary Cancelled
the licence of M/s. K. Lakshmana
Selly for certain irregularities
But on an appeal preferred by
him, the Govt in G.O. No RI. 623
Dev dt. 17.9.0 ordered that the
licence be restored to them treating
the period already undergone as
one of Suspension. After the
licence was restored, the Collector
considered that the dealer was
undesirable to be allowed to
deal in B.T.C. Cloths and directed
the B.T.C mills not to supply their
cloth to the dealer, & that they could
select another dealer at Hospet
in this place.

But the B.T.C Co have represented
that they did not consider the
offences of the dealer as serious
as the Govt have restored the
licence, there was no reason
why he should be precluded from
dealing with their goods. The
Collector & Bellary however has
reported that M/s K. Lakshmana
Selly cannot be considered as
dealer of good repute & as the

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125511
46
8/1

1. The Co were given the choice to select any other dealer of better reputation. There was no reason why they should be particularly given there quotas to Sri K. Lakshmana reddy.

A reference is invited to the rules on pp 4 NF & G.O. Rt. 623 Dev. dt 17.9.51. The Govt considered that the offences committed by the dealer did not warrant cancellation of the licence and hence the licence was restored. In the circumstances it does not appear fair to withhold the B+C quota. For orders whether the Collr may be informed that the B+C quota may be restored to the dealer or whether the Collr's views in the matter will be agreed to

A

Sec Dev/HM(9)

A may be approved

5.1.52

HM (9nd)

A draft Memo is subs. As the case may be added to the G.O. at (R).

22/1/52

SECRETARY TO GOVERNMENT
9 JAN 1952
DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT
9 JAN 1952
DEVELOPMENT DEPARTMENT